

List of Subjects in 20 CFR Parts 366 and 367

Railroad employees, Railroad retirement, Railroad unemployment insurance.

For the reasons set out in the preamble, parts 366 and 367 of title 20, chapter II of the Code of Federal Regulations are amended as follows:

PART 366—COLLECTION OF DEBTS BY FEDERAL TAX REFUND OFFSET

1. The authority citation for part 366 continues to read as follows:

Authority: 45 U.S.C. 231f(b)(5); 31 U.S.C. 3720A.

§ 366.1 [Amended]

2. Section 366.1 is amended by removing the word "individuals" and adding in its place the word "debtors".

3. Section 366.2 is amended by revising the introductory text, and paragraphs (a), (b), (e), and (f) to read as follows:

§ 366.2 Past-due legally enforceable debt.

A past-due legally enforceable debt which may be referred to the Internal Revenue Service is a debt:

(a) Which arose under any statute administered by the Board or under any contract;

(b) Which is an obligation of a debtor who is a natural person or a business;

* * * * *

(e) With respect to which the rights regarding reconsideration, waiver, and appeal, described in part 260 or 320 of this chapter or in other law, if applicable, have been exhausted;

(f) With respect to which either:

(1) The Board's records do not contain evidence that the debtor (or, if an individual, his or her spouse) has filed for bankruptcy under Title 11 of the United States Code; or

(2) The Board can clearly establish at the time of the referral that the automatic stay under section 362 of the Bankruptcy Code has been lifted or is no longer in effect with respect to the debtor (or, if an individual, his or her spouse) and the debt was not discharged in the bankruptcy proceeding;

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§ 366.2 [Amended]

3. Section 366.2(j) is amended by removing the word "individual" and adding in its place the word "debtor".

4. Section 366.2(k) is amended by removing the word "individual" and adding in its place the word "debtor".

§ 366.6 [Amended]

5. Section 366.6(c) is amended by removing the words "individual owing

the debt" and adding in their place the word "debtor".

PART 367—RECOVERY OF DEBTS OWED TO THE UNITED STATES GOVERNMENT BY ADMINISTRATIVE OFFSET

6. The authority citation for part 367 continues to read as follows:

Authority: 45 U.S.C. 231f(b)(5); 31 U.S.C. 3716.

7. Section 367.2 is amended by revising the introductory text and paragraphs (a), (b), (e), and (f) to read as follows:

§ 367.2 Past-due legally enforceable debt.

A past-due legally enforceable debt which may be referred to another governmental agency for administrative offset is a debt:

(a) Which arose under any statute administered by the Board or under any contract;

(b) Which is an obligation of a debtor who is a natural person or a business;

* * * * *

(e) With respect to which the rights described in part 260 or 320 of this chapter or the applicable law regarding reconsideration, waiver, and appeal, if applicable, have been exhausted;

(f) With respect to which either:

(1) The Board's records do not contain evidence that the debtor (or, if an individual, his or her spouse) has filed for bankruptcy under Title 11 of the United States Code; or

(2) The Board can clearly establish at the time of the referral that the automatic stay under section 362 of the Bankruptcy Code has been lifted or is no longer in effect with respect to the debtor (or, if an individual, his or her spouse) and the debt was not discharged in the bankruptcy proceeding;

* * * * *

§ 367.2 [Amended]

8. Section 367.2(i) is amended by removing the word "individual" and adding in its place the word "debtor", and by removing the words "that person" and adding in their place the words "the debtor";

9. Section 367.2(j) is amended by removing the words "such individual" and adding in their place the words "the debtor";

§ 367.7 [Amended]

10. Section 367.7(c) is amended by removing the words "individual owing the debt" and adding in their place the word "debtor".

Dated: December 13, 1995.

By Authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 95-30999 Filed 12-20-95; 8:45 am]

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DEPARTMENT OF STATE

Bureau of Consular Affairs, Overseas Citizens Services

22 CFR Part 94

[Public Notice 2290]

International Child Abduction

AGENCY: Department of State.

ACTION: Interim rule with request for comments.

SUMMARY: This interim rule amends regulations regarding incoming parental abduction cases pursuant to the Hague Convention on the Civil Aspects of International Child Abduction.

Incoming cases will be processed by a non-governmental organization with oversight by the Department of State.

DATES: Effective Date: December 21, 1995. Comments are due on or before January 22, 1995.

ADDRESSES: Interested persons are invited to submit comments in duplicate to the Director of the Office of Children's Issues, Bureau of Consular Affairs, Room 4811, U.S. Department of State, Washington, DC 20520; fax: 202-647-2835.

FOR FURTHER INFORMATION CONTACT: Leslie Rowe, Director of the Office of Children's Issues, Room 4811, U.S. Department of State, Washington, D.C. 20520. tele: 202-647-2688.

SUPPLEMENTARY INFORMATION: Since 1988, the Bureau of Consular Affairs has served as the U.S. Central Authority under the Hague Convention on the Civil Aspects of International Child Abduction. As U.S. Central Authority, the Office of Children's Issues is responsible for processing all Hague Convention applications seeking the return of children wrongfully removed or retained in the United States or any other Hague Convention contracting state. In addition, the U.S. Central Authority is responsible for facilitating access rights under the Convention. The Office of Children's Issues processes approximately 700 Hague Convention applications annually; roughly 300 of these cases are incoming cases, i.e., applications for the return of a child wrongfully removed to or retained in the United States.

The processing of incoming Hague applications requires case officers to

communicate with foreign Central Authorities about incoming cases, to determine the whereabouts of children wrongfully taken to the United States, to attempt to promote voluntary return of abducted children, and to facilitate the initiation of judicial proceedings with a view toward securing the return of abducted children. Many of the case officer functions involve extensive contact with local law enforcement officials, social service agencies, legal aid organizations and local bar associations.

The Office of Children's Issues has recently entered into an agreement with the Department of Justice's Office of Juvenile Justice and Delinquency Prevention, and the National Center for Missing and Exploited Children (National Center). Under this agreement, the National Center will assist the U.S. Central Authority in fulfilling its responsibilities under the Hague Convention.

The National Center, a non-governmental organization, is a national resource center and clearinghouse that provides technical assistance to parents seeking to locate and recover children missing in the United States. For more than ten years, the National Center has been performing case management and analysis functions for domestic abductions; it handles more than 1,200 parental child abduction cases annually. By agreement with the Department of Justice, the National Center provides legal technical assistance, maintains a toll-free hotline as well as an online information network, and operates a photo distribution service.

Transferring specified case officer functions to the National Center with respect to incoming Hague Convention cases will result in the provision of better service to parents seeking the return of children under the Convention. Parents will benefit from the National Center's expertise in finding missing children and liaising with contacts in the local law enforcement and social services communities.

This transfer of case officer functions to the National Center will not in any way alter the role of the State Department as U.S. Central Authority under the Hague Convention. The Office of Children's Issues will continue as the U.S. Central Authority under the Convention and will retain ultimate responsibility for all incoming cases. Under the agreement, all inherently governmental functions, including matters of Hague Convention interpretation and policy direction are to be carried out by the Department of State, Congressional and White House

correspondence as well as media relations will continue to be handled by the Office of Children's Issues.

The Department of State is publishing this as an interim final rule, rather than as a notice of proposed rulemaking as allowed by 5 U.S.C. 553(b)(3)(B) when an agency determines, for good cause, that it is unnecessary to publish a proposed rule. The Department of State has determined that publication of a proposed rule is unnecessary, as the transfer of responsibility over incoming Hague Convention cases to the National Center primarily affects workload distribution and management of U.S. Central Authority functions. The Department of State's Office of Children's Issues will continue to perform all inherently governmental functions of the U.S. Central Authority.

This rule is exempt from E.O. 12866, but nonetheless has been reviewed and found to be consistent with the objectives and policies thereof. This rule is not expected to have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act, 5 U.S.C. 605(b). In addition, this rule would not impose information collection requirements under the provisions of the Paperwork Reduction Act, 44 U.S.C. Chapter 35. Nor does this rule have federalism implications warranting the preparation of a Federalism Assessment in accordance with E.O. 12612. This rule has been reviewed as required by E.O. 12778 and certified to be in compliance therewith.

List of Subjects in 22 CFR Part 94

Infants and children, reporting and recordkeeping requirements, Treaties.

For the reasons set forth in the preamble, 22 CFR 94 is amended as follows:

PART 94—INTERNATIONAL CHILD ABDUCTION

1. The authority citation for part 94 continues to read as follows:

Authority: Hague Convention on the Civil Aspects of International Child Abduction; International Child Abduction Remedies Act, Pub. L. 100-300.

2. Section 94.6 is amended by revising the introductory text and paragraph (1), removing paragraph (k), redesignating paragraphs (a) through (j) as paragraphs (b) through (k), and adding a new paragraph (a) to read as follows:

§ 94.6 Procedures for children abducted to the United States.

The National Center for Missing and Exploited Children shall act under the direction of the U.S. Central Authority

and shall perform the following operational functions with respect to all Hague Convention applications seeking the return of children wrongfully removed to or retained in the United States or seeking access to children in the United States:

(a) Receive all applications on behalf of the U.S. Central Authority;

* * * * *

(l) Perform such additional functions as set out in the "Cooperative Agreement Adjustment Notice" between the Department of State, Department of Justice, and National Center for Missing and Exploited Children.

Dated: November 3, 1995.

Mary A. Ryan,

Assistant Secretary of State for Consular Affairs.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Federal Highway Administration

23 CFR Part 1208

[NHTSA Docket No. 85-12; Notice 4]

RIN 2127-AF95

National Minimum Drinking Age

AGENCY: National Highway Traffic Safety Administration (NHTSA), Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Final Rule.

SUMMARY: This final rule amends Part 1208 of title 23 of the Code of Federal Regulations (CFR). Part 1208 prescribes the requirements necessary to implement 23 U.S.C. 158, which established the National Minimum Drinking Age Act. This final rule is amending Part 1208 by removing outdated and obsolete provisions from that regulation.

EFFECTIVE DATE: January 22, 1996.

FOR FURTHER INFORMATION CONTACT: In NHTSA: Mr. James Wright, Office of Traffic Safety Programs, National Highway Traffic Safety Administration, 400 7th Street, S.W., Washington, D.C. 20590, telephone (202) 366-2724; or Ms. Heidi L. Coleman, Office of Chief Counsel, Room 5219, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590, telephone (202) 366-1834. In FHWA: Ms. Mila Plosky, Office of Highway Safety, Federal Highway